

**BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION**

In the Matter of the Revocation	)	<b>ORDER OF</b>
	)	
or Suspension of the Educator	)	<b>SUMMARY SUSPENSION</b>
	)	
Certification of Ernest V. Varner, III	)	
	)	
Certificate 216413	)	

**SUMMARY OF THE CASE**

The South Carolina State Board of Education (State Board) considered this matter on October 12, 2005. In accordance with S.C. Code Ann. §1-23-370(c) (2004), the State Department of Education (Department) requested that the State Board summarily suspend the educator certificate of Ernest V. Varner, III, certificate 216413, as a result of his arrest on charges of Criminal Solicitation of a Minor. The Department has reason to believe that, due to the nature of the allegations of misconduct against Mr. Varner, he may pose a threat to the health, safety, or welfare of students that may be under his instruction. After considering the evidence presented by the Department, the State Board voted to summarily suspend Mr. Varner's certificate until a due process hearing is held and/or this matter is otherwise resolved. The Department is directed to send a notice to Mr. Varner of the summary suspension, as well as the possible suspension or revocation of his educator certificate, by certified mail, return receipt requested, delivery restricted to addressee.

**FINDINGS OF FACT**

Mr. Varner holds a valid South Carolina certificate with over three years of teaching experience. During the 2005-06 school year, Mr. Varner served as a guidance counselor at Berkeley Middle School in Berkeley County School District (District). Mr. Varner admitted in a written statement that he went to Berkeley High School during the school day on September 23, 2005, with the intent of talking to a fifteen-year old male student about having oral sex with him,

and that he then asked the student about "exploring" a sexual act with him. The student reported the incident to the School Resource Officer. On September 27, 2005, Mr. Varner was charged with Criminal Solicitation of a Minor.

### **CONCLUSIONS OF LAW**

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes unprofessional conduct, immorality, crime against the law of this State or the United States and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (1992). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), "If the agency finds that public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." The State Board finds that there is sufficient reason to believe that Mr. Varner may pose a threat to the welfare of students that may be under his instruction. Accordingly, the State Board thereby summarily suspends Mr. Varner's certificate 216413 until a due process hearing is held and/or this matter is otherwise resolved.

South Carolina State Board of Education

By: /S/ Paul M. Forrester  
Paul M. Forrester  
Chair

Columbia, South Carolina  
October 12, 2005